



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Paper No. 9

LAURA A. SHERIDAN  
FISH AND NEAVE  
1251 AVENUE OF THE AMERICAS  
NEW YORK, NY 10020

**COPY MAILED**

**MAY 06 2002**

In re Application of  
Thomas, et al. :  
Application No. 09/973,976 :  
Filed: October 9, 2001 :  
Attorney Docket No. UV-207 :  
:

**OFFICE OF PETITIONS**  
**DECISION GRANTING PETITION**

This is a decision on the renewed petition requesting that the above-identified application be accorded a filing date of October 9, 2001, instead of the presently accorded date of October 11, 2001. The petition is properly be treated under 37 CFR 1.10(d).

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service with the U. S. Postal Service, on October 11, 2001. In support, petitioners provided, inter alia, a copy the US Postal Service (USPS) Track & Confirm record showing that a package bearing Express Mail label No. EF230792255US was accepted "October 9, 2001, 9:25pm, NEW YORK, NY 10016" and "delivered at 6:37am on October 11, 2001 in Washington DC to M. Boston." The same Express Mail number appears on the original transmittal letter found in the file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. As the Track/Confirm record corroborates a "date-in" of October 9, 2001, the petition is granted.

The application is being returned to Initial Patent Examination Division (OIPE) for further processing and correction of the filing date to **October 9, 2001**.

Telephone inquires related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

*Sherry D. Brinkley*  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy